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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,137	09/18/2006	Wataru Ikeda	P36312-02	6947

42212 7590 10/26/2009

PANASONIC PATENT CENTER
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WASHINGTON, DC 20036

EXAMINER	
DAZENSKI, MARC A	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
10/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kamata.kenji@jp.panasonic.com
ppc@us.panasonic.com
odedrad@us.panasonic.com

Office Action Summary	Application No.	Applicant(s)	
	10/573,137	IKEDA ET AL.	
	Examiner	Art Unit	
	MARC DAZENSKI	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,6,7,9 and 10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1,2,7 and 9* is/are allowed.

6)☒ Claim(s) *6 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6-18-09, 10-5-09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

> In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.
>
> Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.
>
> ... a signal does not fall within one of the four statutory classes of Sec. 101.
>
> ... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

Claims 6 and 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. **Claim 6** is drawn to functional descriptive material recorded on a computer-readable medium. Normally, the claim would be statutory. However, the specification, at page 90, lines 5-21defines the claimed computer readable medium as encompassing statutory media as well as ***non-statutory*** subject mater such as "the implementation of the computer programs in their own right includes acts that involve: ... (2) transference of the programs, ... (5) providing the programs publicly via bi-directional electronic communications circuits..." (wherein

the examiner maintains that the transference of a program via communications circuits would render the claimed 'computer-readable medium' a signal and is therefore non-statutory).

> A "signal" embodying functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Allowable Subject Matter

Claims 1-2, 7 and 9 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Applicant's independent **claim 1** is drawn to a playback apparatus that performs title playback and application execution with a recording medium loaded therein, the recording medium having recorded thereon an index table, a plurality of operation mode objects, a playlist and a plurality of applications, wherein each of the applications is a Java language program in which a life cycle is managed for each title, the playlist is a unit of playback specified by a digital stream and path information that specifies a playback path of the digital stream, the index table shows a correspondence between a plurality of titles that are selectable on the recording medium and the plurality of operation mode objects, each of the plurality of operation mode objects specifies a control procedure in a second mode that is second of two modes, a first mode being a mode in which the playback apparatus operates on a command base, the second mode being a mode in which the playback apparatus operates on an application base, and

includes (i) an application management table showing an application whose life cycle is a title corresponding to each of the plurality of operation mode objects and (ii) a playlist table showing a playlist to be played back, the playback apparatus comprising: a playback control engine unit operable to play back the playlists; a module manager operable to select a title from among the titles that are shown in the index table; a virtual machine unit operable to execute the applications; and an output unit operable to output playback images of the playlist to a displayapparatus, and, when graphics are rendered by the applications, overlay the rendered graphics on the playback images to obtain overlaid images and output the overlaid images to the display apparatus, wherein when the module manager has selected the title, the virtual machine unit starts executing an application whose life cycle is the selected title, when the module manager has selected the title, the playback control engine unit starts, without waiting for instructions from the applications, playback of a playlist that is specified by a playlist table included in one of the operation mode objects shown in the index table, the one of the operation mode objects corresponding to the selected title, and the application management table includes a run attribute of each of the applications for determining a run condition after a title switch from one of the plurality of titles to another of the plurality of titles.

Applicant's **claim 1** comprises a particular combination which is neither taught nor suggested by the prior art. The closest prior art of record, Tsumagari et al (US PgPub 2003/0161615), differs from the claimed invention by not teaching or fairly suggesting the application management table includes a run attribute of each of the

applications for determining a run condition after a title switch from one of the plurality of titles to another of the plurality of titles.

Applicant's independent **claims 2 and 7** each disclose similar limitations as those in claim 1, and are therefore found allowable in view of the explanation set forth in claim 1 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/
Examiner, Art Unit 2621